

## **REMARKS**

Claims 9, 13, 14, 16, 46, 47, 57, and 59-61 are pending in the instant application. Claims 9, 13, 16, 57, 59, and 60 are allowed. Claim 61 has been amended. No new matter has been added as a result of the above-described amendments. The rejections set forth in the Office Action have been overcome by amendment or are traversed by argument below.

### **Rejection of claims 14, 46, 47, and 61 under 35 U.S.C. § 112, first paragraph**

The Office Action asserts a rejection of claims 14, 46, 47, and 61 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Action states that the specification does not provide an adequate written description of polypeptides comprising polypeptide fragments of SEQ ID NO: 5. In addition, the Action indicates that the claims should be limited to polypeptide fragments consisting of fragments of SEQ ID NO: 5.

Applicants respectfully submit that those of skill in the art can readily envisage polypeptides that comprise fragments of SEQ ID NO: 5 because, for example, fragments of SEQ ID NO: 5 can be appended to amino acids that serve as tags (e.g. histidine-tag) or a protein label (e.g. green fluorescent protein). Thus, even though there may be variability among the species of amino acids encompassed within the scope of the claim because fragments of SEQ ID NO: 5 may be combined with sequences known in the art (e.g. protein tags and labels), the necessary common attribute is fragments of SEQ ID NO: 5. Consequently, since there is written description for fragments of SEQ ID NO: 5 and any substantial variability within the genus would arise due to addition of elements that are not part of Applicants' particular contribution, one of skill in the art would recognize from the disclosure that Applicant was in possession of the genus of polypeptides that comprise fragments of SEQ ID NO: 5. Applicants, therefore, submit that the written description requirement is satisfied, and respectfully request that this ground of rejection be withdrawn.

## **CONCLUSION**

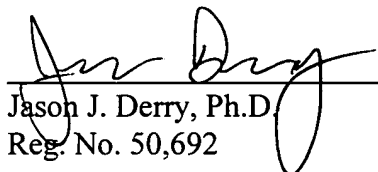
Applicants respectfully contend that all conditions of patentability are met in the pending

claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner Rawlings believes it to be helpful, he is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,  
**McDonnell Boenken Hulbert & Berghoff**

Dated: December 21, 2005

By:   
Jason J. Derry, Ph.D.  
Reg. No. 50,692